

REMARKS

Applicants thank the Examiner for the detailed Office Action dated 18 October 2006. Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-20 were pending in the application. Claims 19-20 are requested to be cancelled without prejudice or disclaimer. Claims 1-7 and 9-13 are currently being amended. Claims 21-29 are being added. After amending the claims as set forth above, claims 1-18 and 21-29 are now pending in this application.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections applied to the independent claims (i.e., claims 1 and 7) as outlined in the Office Action with the understanding that the dependent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Claim Rejections – 35 U.S.C. § 112 ¶2

On page 2 of the Office Action, claims 1-12 were rejected under 35 U.S.C. § 112 ¶2 as being unpatentable for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. These claims have been amended to make it clear that no portion of the human body is claimed. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 102***Independent Claims 1 and 7***

On page 2 of the Office Action, independent claims 1 and 7 and various dependent claims were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,562,684

(Kammerer). Applicants respectfully traverse the rejection. Kammerer does not identically disclose the subject matter recited in independent claims 1 and 7.

Kammerer does not identically disclose the combination of elements recited in independent claims 1 or 7, as amended. For example, independent claim 1, as amended, recites a “vascular closure device” including, among other elements, a “first needle and a second needle both of which are coupled to the vascular closure device, the first needle and the second needle each being configured to move between a retracted position and an extended position,” a “suture configured to move with the first needle from the retracted position to the extended position,” and a “snare configured to move with the second needle from the retracted position to the extended position,” which is not identically disclosed in Kammerer. Also, independent claim 7, as amended, recites a “vascular closure device” including, among other elements, a “snare configured to be inserted through a wall of a blood vessel at a location that is adjacent to an opening in the blood vessel” and a “suture configured to be inserted through the wall of the blood vessel at another location that is adjacent to the opening, the snare also being configured to grasp the suture in the blood vessel and retract the suture through the wall of the blood vessel,” which is not identically disclosed in Kammerer. Accordingly, Applicants respectfully submit that independent claims 1 and 7 and the claims which are dependent thereon are not anticipated by Kammerer under 35 U.S.C. § 102(b) and are patentable.

Independent Claims 19 and 20

On page 3 of the Office Action, independent claims 19 and 20 and various dependent claims were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,129,912 (Noda et al.). Applicants have cancelled independent claims 19 and 20 without prejudice or disclaimer. Accordingly, Applicants respectfully request that this rejection be withdrawn.

New Claims

Applicants have added new claims 21-29.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 13-18 are allowed.

* * *

Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

Respectfully submitted,

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